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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LKQ CORPORATION
Petitioner

v.

Patent of CLEARLAMP, LLC
Patent Owner

Case No. IPR2013-00020
Patent 7,297,364

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. STATEMENT OF RELIEF REQUESTED

LKQ Corp. ("LKQ" or "Petitioner") respectfully requests that claims 1 to 24 of U.S. Patent No. 7,297,364 ("the '364 Patent") be canceled on the grounds in the March 29, 2013 Decision instituting *inter partes* review ("Decision").

II. STATEMENT OF REASONS FOR THE RELIEF REQUESTED

The Patent Owner Response ("Response")[1] purports to set forth "several, and significant differences" between the prior art and the claims. (Response, 2-3). Not only does the prior art describe each claimed step, but Clearlamp LLC's ("PO") experts undermine its arguments. PO tries to save its patent by arguing secondary considerations. However, its copying argument does not show copying, and its commercial success argument does not establish the required nexus.

A. BACKGROUND

On October 15, 2012, Petitioner petitioned for *inter partes* review of the '364 Patent ("Petition"). On March 29, 2013 the Patent Trial and Appeals Board ("Board") instituted review on two grounds: (1) claims 1 to 24 under 35 U.S.C. § 103(a) based on U.S. Pub. No. 2005/0208210 to Kuta ("Kuta") in view of U.S. Patent No. 6,106,648 to Butt ("Butt") and (2) claims 1 to 24 under 35 U.S.C. § 103(a) based on Kuta in view of the Eastwood ShopTalk Web Site ("Eastwood").

[1] The Response does not include a statement of material facts. Accordingly, no response is due herein pursuant to 37 C.F.R. §42.23(a), and no facts are admitted.

On July 1, 2013, PO filed the Response and a Motion to Amend.

B. CLAIM CONSTRUCTION

The prior art discloses all the steps of all the claims of the '364 Patent. PO is forced to argue exceedingly narrow constructions that seek to import limitations PO believes are not in the prior art. The only prosecution arguments relating to claim scope deal with removing lamps from vehicles (Petition, 6-8), so the intrinsic record does not support PO's proposed narrowing constructions. PO appears to concede that its alleged differences exist only if PO wins on claim construction, as PO does not address the claims under the Board's plain meaning.

PO first proposes to narrow "removing" to require fully removing a clear coat finish. (Response, 13). However, PO does not identify any legitimate reason to narrow the claims beyond their plain language, which does not require "fully."

PO next argues that "evening the lamp surface" should be narrowed to "smoothing out the lamp surface to minimize any troughs created through the removal of damage." (Response, 15). The underlined language has no antecedent basis in the claims, and PO has provided no reason that "evening the lamp surface" needs to be construed as "smoothing out the lamp surface."

PO last seeks to narrow "statically neutralizing," arguing that "logic dictates" that it must occur after the grinding and buffing steps. (Response, 17-18). However, PO does not explain why it would not be reasonable to statically

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